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EXAMINER	
PESIN, BORIS M	
ART UNIT	**PAPER NUMBER**
2174	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/848,936	DE VORCHIK ET AL.	
	Examiner	Art Unit	
	Boris Pesin	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 11-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 11-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This communication is responsive to the amendment filed 11/30/2005.

Claims 1-9 and 11-47 are pending in this application. Claims 1, 12, 17, 27, 35, 41, and 46 are independent claims. In the amendment filed 11/30/2005 none of the claims were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 17, 19, 20, 21, 22, 23, 25, 27, 29, 30, 31, 33, 41, 43, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) in view of Beard et al. (US 5113517).

In regards to claim 17, Nero teaches an operating system having a resource browser that is responsive to user input to explore resource areas containing different types of resources and to display icons that represent the resources (See Figure 1, Element 1), at least some of the resources being physically moveable to and from the resource areas by moving their corresponding icons (See Figure 1, Element 2 is moved to Element 3); at least one of the resource areas being a staged-write resource area (See Figure 1, Element 3); the resource browser being configured to define a stored resource display area and a staged resource display area, the stored resource display area showing icons of resources that are already stored in a writable resource associated with the staged-write resource area, the staged resource display area showing icons of staged resources that the user desires to be written to said writable resource area but that have not yet been written to said writable resource area (See Figure 11, "This window displays all information concerning the track you have selected. Depending on the refresh options selected in the multisession property sheet, you will see some folders and files shown in black or in grey. Folders and files shown in black designate that they have been changed or recorded on your hard disk since your last session. They will be recorded on your CD now. Folders and files shown in grey designate that they are already on your CD. They have been recorded during your last session and have not been changed. They are not going to be physically rewritten."). Nero does not teach an operating system that interacts with a user to manage computer resources. Beard teaches an operating system that interacts with a user to manage a computer system (Figure 4). It would have been obvious to one of ordinary skill in the

art at the time of the invention to modify Nero with the teachings of Beard and include an operating system to manage a computer with the motivation to provide the user with more flexibility in what the user can do.

In regards to claim 19, Nero and Beard teach all the limitations of claim 17. Nero further teaches that upon writing the staged resources, writing additional resources to said writable resource that are not specifically designated by the user for use in conjunction with the identified resources after they are written (Figure 7, Element 1, if the user chooses to make a bootable CD, Nero will automatically add the necessary files so that the PC can boot of the CD).

In regards to claim 20, Nero and Beard teach all the limitations of claim 17. Nero further teaches that automatically identifying a viewer program that is compatible with one or more of the identified resources; writing the viewer program to the storage medium for use in conjunction with the identified resources after they are written (Figure 7, Element 1, Nero burns the appropriate software so the files can be loaded up and viewed through the command prompt on boot-up).

In regards to claim 21, Nero teaches that the resource browser further alters the icons to indicate status of the staged resources. (See Figure 8, Element 1, the data that is going to be recorded is in capital letters)

In regards to claim 22, Nero further teaches that some of the icons have status overlays to indicate staged status and an in-process status (See Figure 9, Element 1, the overlay tells the status on the writing process).

In regards to claim 23, Nero teaches a graphical user interface further comprising a contextually sensitive command area, wherein the resource browser includes a delete resource command in the contextually sensitive command area if and only if the particular type of writable resource is rewritable. (See Figure 10, Element 1).

In regards to claim 25, Nero teaches a graphical user interface wherein: prior to interacting with the user, the operating system pre-allocates a contiguous portion of mass storage for future use when writing identified resources to the writable resource area, wherein the pre-allocated portion is large enough to create a data image that is to be created on the writable resource area (See Figure 4, Element 1, the user can create an image of the file set, also see Figure 6, there is a cache that is set by default); prior to writing said staged resources to the writable resource, creating a data image in the pre-allocated portion of mass storage (See Figure 5, Element 1, the user can record the image on the storage medium).

In regards to claim 27, Nero teaches a graphical user interface for a computer, comprising: an operating system having a resource browser that is responsive to user input to explore resource areas containing different types of resources and to display icons that represent the resources (See Figure 1, Element 1), at least some of the resources being physically moveable to and from the resource areas by moving their corresponding icons (See Figure 1, Element 2 is moved to Element 3); at least one of the resource areas being a staged-write resource area (See Figure 1, Element 3); the resource browser being configured to display icons of stored resources that are already stored in the staged-write resource area and icons of staged resources that the user

desires to be written to the staged-write resource area but that have not yet been written to said staged-write resource area; wherein the resource browser shows different representations of the resources depending upon whether they are stored resources or staged resources (See Figure 11, "This window displays all information concerning the track you have selected. Depending on the refresh options selected in the multisession property sheet, you will see some folders and files shown in black or in grey. Folders and files shown in black designate that they have been changed or recorded on your hard disk since your last session. They will be recorded on your CD now. Folders and files shown in grey designate that they are already on your CD. They have been recorded during your last session and have not been changed. They are not going to be physically rewritten."); the resource browser being responsive to a user action to initiate a batch write of the staged resources to the staged-write resource area (See Figure 3, Element 1, the user can press the record button). Nero does not teach an operating system that interacts with a user to manage computer resources. Beard teaches an operating system that interacts with a user to manage a computer system (Figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero with the teachings of Beard and include an operating system to manage a computer with the motivation to provide the user with more flexibility in what the user can do.

In regards to claim 29, Nero teaches a graphical user interface wherein: the resource browser is further configured, upon writing the staged resources, to write additional resources not specifically designated by the user for use in conjunction with

the staged resources after they are written. (Figure 7, Element 1, if the user chooses to make a bootable CD, Nero will automatically add the necessary files so that the PC can boot of the CD).

In regards to claim 30, Nero teaches a graphical user interface further comprising, upon writing the staged resources: automatically identifying a viewer program that is compatible with one or more of the staged resources; writing the viewer program to the storage medium for use in conjunction with the staged resources after they are written. (Figure 7, Element 1, Nero burns the appropriate software so the files can be loaded up and viewed through the command prompt on boot-up).

In regards to claim 31, Nero teaches a graphical user interface further comprising a contextually sensitive command menu, the menu including a delete resource command if and only if the particular type of staged-write resource area is rewritable. (See Figure 10, Element 1).

In regards to claim 33, Nero teaches pre-allocating a contiguous portion of mass storage for future use, wherein the pre-allocated portion is large enough to create a data image that is to be created on the staged-write resource area (See Figure 4, Element 1, the user can create an image of the file set, also see Figure 6, there is a cache that is set by default); prior to writing the staged resources to the staged-write resource area, creating a data image in the pre-allocated portion of mass storage (See Figure 5, Element 1, the user can record the image on the storage medium).

In regards to claim 41, Nero teaches a system embodied on one or more computer readable media, the system performing actions comprising: in response to

receiving a request from an application program to save a resource on a staged-write storage medium, noting that resource as being staged without writing the resource (See Figure 1, Element 3); in response to a user initiation, writing any staged resources to the storage medium (See Figure 3, Element 1). Nero does not teach saving resources managed by the operating system in response to requests from application programs. Beard teaches an operating system that interacts with a user to manage a computer system that includes saving resources (Figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero with the teachings of Beard and include an operating system to manage a computer with the motivation to provide the user with more flexibility in what the user can do.

In regards to claim 43, Nero teaches an operating system wherein the actions further comprise, upon writing the staged resources, writing additional resources not specifically designated by a user, for use in conjunction with the staged resources after they are written written (Figure 7, Element 1, if the user chooses to make a bootable CD, Nero will automatically add the necessary files so that the PC can boot of the CD).

In regards to claim 45, Nero further teaches an operating system, further comprising: prior to receiving requests from application programs, pre-allocating a contiguous portion of mass storage for use when writing staged resources to the storage media, wherein the pre-allocated portion is large enough to create an image of data to be written to the storage medium (See Figure 4, Element 1, the user can create an image of the file set, also see Figure 6, there is a cache that is set by default); prior to writing the staged resources to the storage media, creating a write image in the

pre-allocated portion of mass storage (See Figure 4, Element 1); wherein writing the staged resources comprises writing the write image to the storage medium (See Figure 5, Element 1, the user can record the image on the storage medium).

Claims 1, 2, 3, 4, 5, 6, 7, 8, 35, 36, 37, 38, 40, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software), in view of Kuroda et al. (US 5946277).

In regards to claim 1, Nero teaches one or more computer readable media containing one or more operating system programs, said one or more programs comprising: interacting with a user to manage computer resources (see Figure 1, the user is able to manage the computer resources through the "file browser"); said interacting including graphically browsing different computer resource areas that contain the resources managed by the operating system (See figure 1, Element 1); representing resources within the resource areas as icons, the resources being physically moveable to and from at least some of the resource areas by moving the icons (See Figure 1, Element 2); at least one of the resource areas being a particular type of writable resource area to which resources can be written (See Figure 2, Element 3, the ISO1 is what is going to be recorder on a disk); in response to browsing said at least one of the resource areas, defining a graphical staging area into which a user may move icons representing resources that are to be written to said at least one of the resource areas (See Figure 2, Element 1, the user can create a folder then move resources into that folder), and identifying resources represented by the icons in the staging area and

writing such identified resources to the storage medium (See Figure 3, Element 1, the user can press the "open the write CD dialog" button and begin writing the data to the media) . Nero does not teach delaying any writing of the resources represented in the staging area until detecting a user attempt to remove a storage medium from said at least one of the resource areas; in response to detecting the user attempt to remove the storage medium, identifying resources represented by the icons in the staging area and writing such identified resources to the storage medium. Kuroda teaches, "when the ejection operation to eject the recording disk to the outside is performed (step s8), the file management data pieces recorded on the recording device are unified, then recorded on a predetermined area of the recording disk" (Column 9, Line 57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero with the teachings of Kuroda to include the ability to hold off on recording data until the eject button is pressed with the motivation to reduce the speed of the total recording time because the data would only be recorded once and not several times.

In regards to claim 2, Nero teaches prior to interacting with the user, pre-allocating a contiguous portion of mass storage for future use when writing identified resources to the storage medium, wherein the pre-allocated portion is large enough to create a data image that is to be created on the storage medium (See Figure 4, Element 1, the user can create an image of the file set, also see Figure 6, there is a cache that is set by default); prior to writing the staged resources to the storage medium, creating a data image in the pre-allocated portion of mass storage (See Figure 4, Element 1); wherein writing the identified resources comprises writing the data image to the storage

medium (See Figure 5, Element 1, the user can record the image on the storage medium).

In regards to claim 3, Nero teaches that upon writing the identified resources, writing additional resources not specifically designated by the user for use in conjunction with the identified resources after they are written (Figure 7, Element 1, if the user chooses to make a bootable CD, Nero will automatically add the necessary files so that the PC can boot of the CD).

In regards to claim 4, Nero teaches that automatically identifying a viewer program that is compatible with one or more of the identified resources; writing the viewer program to the storage medium for use in conjunction with the identified resources after they are written (Figure 7, Element 1, Nero burns the appropriate software so the files can be loaded up and viewed through the command prompt).

In regards to claim 5, Nero teaches that the program further alters the icons in the staging area to indicate status of the staged resources. (See Figure 8, Element 1, the data that is going to be recorded is in capital letters)

In regards to claim 6, Nero teaches altering the icons in the staging area with status overlays to indicate status of the staged resources (See Figure 9, Element 1, the overlay tells the status on the writing process).

In regards to claim 7, Nero further teaches altering the icons in the staging area with status overlays to indicate status of the staged resources, the status overlays including a staged status overlay and an in-process status overlay (See Figure 9, Element 1, the overlay tells the status on the writing process).

In regards to claim 8, Nero further teaches defining a contextually sensitive command area and displaying a delete resource command option in the contextually sensitive command area if and only if the particular type of writable resource area is rewritable (See Figure 10, Element 1).

In regards to claim 35, Nero teaches one or more computer readable media containing an operating system program, the operating system program comprising: accepting designations of different resources managed by the operating system by a user for staging prior to writing to a removable storage medium (See Figure 1, Element 3); graphically representing any resources that are already stored on the removable storage medium and any resources that are staged but not written to the removable storage medium (See Figure 11, "This window displays all information concerning the track you have selected. Depending on the refresh options selected in the multisession property sheet, you will see some folders and files shown in black or in grey. Folders and files shown in black designate that they have been changed or recorded on your hard disk since your last session. They will be recorded on your CD now. Folders and files shown in grey designate that they are already on your CD. They have been recorded during your last session and have not been changed. They are not going to be physically rewritten."). Nero does not teach detecting a user attempt to remove the removable storage media; in response to detecting the user attempt to remove the removable storage media, writing any staged resources to the removable storage media. Kuroda teaches, "when the ejection operation to eject the recording disk to the outside is performed (step s8), the file management data pieces recorded on the

recording device are unified, then recorded on a predetermined area of the recording disk" (Column 9, Line 57).

In regards to claim 36, Nero teaches one or more computer readable media the program further comprising, upon writing the staged resources, writing additional resources not specifically designated by a user, for use in conjunction with the staged resources after they are written. (Figure 7, Element 1, if the user chooses to make a bootable CD, Nero will automatically add the necessary files so that the PC can boot of the CD).

In regards to claim 37, Nero teaches one or more computer readable the program further comprising altering representations of the resources to indicate the status of the staged resources (See Figure 8, Element 1, the data that is going to be recorded is in capital letters).

In regards to claim 38, Nero teaches one or more computer readable media as recited in claim 35, the program further comprising displaying a delete resource command in a contextually sensitive command menu if and only if a particular type of writable resource area of the removable storage media is rewritable (See Figure 10, Element 1).

In regards to claim 40, Nero teaches one or more computer readable media further comprising: prior to accepting designations by users, pre-allocating a contiguous portion of mass storage for use when writing staged resources, wherein the pre-allocated portion is large enough to create an image of data to be written to the removable storage medium (See Figure 4, Element 1, the user can create an image of

the file set, also see Figure 6, there is a cache that is set by default); prior to writing the staged resources to the removable storage media, creating a write image in the pre-allocated portion of mass storage (See Figure 4, Element 1); wherein writing the staged resources comprises writing the write image to the removable storage medium (See Figure 5, Element 1, the user can record the image on the storage medium).

Claims 12, 13, 15, 16, 18, 28, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) in view of Beard et al. (US 5113517) in further view of Kuroda et al. (US 5946277).

In regards to claim 12, Nero teaches dynamically accepting designations from a computer user of the plurality of computer resources to be written to a removable storage medium (Figure 1, Element 3); graphically representing the resources to be written on a separate area from files that have been written to the storage medium (See Figure 11, "This window displays all information concerning the track you have selected. Depending on the refresh options selected in the multisession property sheet, you will see some folders and files shown in black or in grey. Folders and files shown in black designate that they have been changed or recorded on your hard disk since your last session. They will be recorded on your CD now. Folders and files shown in grey designate that they are already on your CD. They have been recorded during your last session and have not been changed. They are not going to be physically rewritten."). Nero does not teach managing a plurality of computer resources by the operating system. Beard teaches an operating system that interacts with a user to manage a

computer system (Figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero with the teachings of Beard and include an operating system to manage a computer with the motivation to provide the user with more flexibility in what the user can do. Nero and Beard do not teach detecting an attempt to remove the storage medium and in response to detecting a user attempt to remove the storage medium, batch writing the designated resources to the storage medium. Kuroda teaches, "when the ejection operation to eject the recording disk to the outside is performed (step s8), the file management data pieces recorded on the recording device are unified, then recorded on a predetermined area of the recording disk" (Column 9, Line 57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Beard with the teachings of Kuroda to include the ability to hold of on recording data until the eject button is pressed with the motivation to reduce the speed of the total recoding time because the data would only be recorded once and not several times.

In regards to clam 13, Nero and Beard teach all the limitations of claim 12. They do not teach a method wherein the batch writing is performed before removing the storage medium. Kuroda teaches, "when the ejection operation to eject the recording disk to the outside is performed (step s8), the file management data pieces recorded on the recording device are unified, then recorded on a predetermined area of the recording disk" (Column 9, Line 57).

In regards to claim 15, Nero further teaches that upon writing the identified resources, writing additional resources not specifically designated by the user for use in

conjunction with the identified resources after they are written (Figure 7, Element 1, if the user chooses to make a bootable CD, Nero will automatically add the necessary files so that the PC can boot of the CD).

In regards to claim 16, Nero further teaches that automatically identifying a viewer program that is compatible with one or more of the identified resources; writing the viewer program to the storage medium for use in conjunction with the identified resources after they are written (Figure 7, Element 1, Nero burns the appropriate software so the files can be loaded up and viewed through the command prompt).

In regards to claim 18, Nero and Beard teach all the limitations of claim 18. They do not teach the resource browser being further configured to commence writing the staged resources to the writable resource area upon detecting attempted removal of a storage medium corresponding to the writable resource area. Kuroda teaches, "when the ejection operation to eject the recording disk to the outside is performed (step s8), the file management data pieces recorded on the recording device are unified, then recorded on a predetermined area of the recording disk" (Column 9, Line 57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Beard with the teachings of Kuroda to include the ability to hold of on recording data until the eject button is pressed with the motivation to reduce the speed of the total recoding time because the data would only be recorded once and not several times.

In regards to claim 28, Nero and Beard teach all the limitations of claim 27. They do not teach a graphical user interface wherein the user action comprises attempting to

remove a storage medium corresponding to the staged-write resource area. Kuroda teaches, "when the ejection operation to eject the recording disk to the outside is performed (step s8), the file management data pieces recorded on the recording device are unified, then recorded on a predetermined area of the recording disk" (Column 9, Line 57).

In regards to claim 42, Nero and Beard teaches all the limitations of claim 41. Nero does not teach the limitation of wherein the user initiation comprises attempting to remove the storage medium. Kuroda teaches, "when the ejection operation to eject the recording disk to the outside is performed (step s8), the file management data pieces recorded on the recording device are unified, then recorded on a predetermined area of the recording disk" (Column 9, Line 57).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) and Kuroda et al. (US 5946277) in view of Sexton et al. (US 6499095).

In regards to claim 9, Nero and Kuroda teach all the limitations of claim 1. They do not teach a one or more computer readable media wherein designating a resource for representation in the graphical staging area creates a reference to said designated resource rather than a copy of said designated resource, the programs further comprising dereferencing said reference during writing to write a current version of the designated resource, including any changes to the designated resource subsequent to

designating it and prior to writing it. Sexton teaches, "A numeric reference employs a machine-independent format for encoding references between objects that is suitable for both run-time use in virtual memory and storage use in secondary storage." (Column 7, Line 21). He further teaches that "For run-time usage, numeric references can be efficiently 'dereferenced'" (Column 7, Line 31). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Kuroda with the teachings of Sexton to include a process of referencing and dereferencing data with the motivation to provide for efficient utilization of memory space.

Claims 11 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) and Kuroda et al. (US 5946277) in view of Stewart (US 6640269).

In regards to claim 11, Nero and Kuroda teach all the limitations of claim 1. ,They do not teach one or more computer readable media programs further comprising: determining whether any changes are made to the identified resources prior to writing them; if a change is made to a particular identified resource prior to writing, creating an unchanged copy of the particular identified resource; writing the unchanged copy to the storage medium in place of the particular identified resource, wherein the unchanged copy does not include changes to the particular identified resource subsequent to designating it and prior to writing it. Stewart teaches "To produce the shared file using some conventional operating systems, the writer sends an "open for write" command to the operating system, including a filename or other identifier with which to name the file.

The operating system may create the file and open it. Additionally, the operating system may lock the file in response to such a command in order to prohibit use of the file by other processes while the file is being written. The writer may receive from some conventional operating systems a pointer or other identifier of the file in response to the open for write command." (Column 1, Line 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Kuroda with the teachings of Stewart and include a locking mechanism with the motivation to provide the user with the protection of writing over an undesired file.

In regards to claim 39, Nero in view of Kuroda teaches all the limitations of claim 35. It does not teach one or more computer readable media, the program further comprising: for any staged resource that is changed prior to writing, creating an unchanged copy of the staged resource; writing the unchanged copy in place of the changed staged resource. Stewart teaches "To produce the shared file using some conventional operating systems, the writer sends an "open for write" command to the operating system, including a filename or other identifier with which to name the file. The operating system may create the file and open it. Additionally, the operating system may lock the file in response to such a command in order to prohibit use of the file by other processes while the file is being written. The writer may receive from some conventional operating systems a pointer or other identifier of the file in response to the open for write command." (Column 1, Line 21).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) in view of Beard et al. (US 5113517) and Kuroda et al. (US 5946277) in view of Paravulescu et al. (US 6678764).

In regards to claim 14, Nero, Beard, and Kuroda teach all the limitations of claim 12. They do not teach the method further comprising, in response to detecting a user attempt to remove the storage medium, prompting the computer user to replace the storage medium prior to batch writing the designated resources to the storage medium. Paravulescu teaches a method wherein "If media is not present, a beep or other warning and prompt to the user to insert the media is issued" (Column 7, Line 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero, Beard and Kuroda with the teachings of Paravulescu and include a prompt for the user to replace the storage medium prior to writing it with the motivation to enable the user to write on the storage medium.

Claims 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) in view of Beard et al. (US 5113517) in further view of Sexton et al. (US 6499095).

In regards to claim 24, Nero and Beard teach all the limitations of claim 17. They do not teach a graphical user interface wherein designating a resource for representation in the staged resource display area creates a reference to said designated resource rather than a copy of said designated resource, said reference being dereferenced during writing to write a current version of the designated resource,

including any changes to the designated resource subsequent to designating it and prior to writing it. Sexton teaches, "A numeric reference employs a machine-independent format for encoding references between objects that is suitable for both run-time use in virtual memory and storage use in secondary storage." (Column 7, Line 21). He further teaches that "For run-time usage, numeric references can be efficiently 'dereferenced'" (Column 7, Line 31). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Beard with the teachings of Sexton to include a process of referencing and dereferencing data with the motivation to provide for efficient utilization of memory space.

In regards to claim 32, Nero and Beard teach all the limitations of claim 27. They do not teach a graphical user interface wherein designating a resource for staging creates a reference to said designated resource rather than a copy of said designated resource, said reference being dereferenced during writing to write a current version of the designated resource, including any changes to the designated resource subsequent to designating it and prior to writing it. Sexton teaches, "A numeric reference employs a machine-independent format for encoding references between objects that is suitable for both run-time use in virtual memory and storage use in secondary storage." (Column 7, Line 21). He further teaches that "For run-time usage, numeric references can be efficiently 'dereferenced'" (Column 7, Line 31).

Claims 26, 34, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) in view of in view of Beard et al. (US 5113517) in further view of Stewart (US 6640269).

In regards to claim 26, Nero and Beard teach all the limitations of claim 17. They do not teach a graphical user interface wherein the operating system monitors staged resources for changes and creates an unchanged copy of any changed staged resource for subsequent writing to the writable resource area in place of the changed staged resource. Stewart teaches "To produce the shared file using some conventional operating systems, the writer sends an "open for write" command to the operating system, including a filename or other identifier with which to name the file. The operating system may create the file and open it. Additionally, the operating system may lock the file in response to such a command in order to prohibit use of the file by other processes while the file is being written. The writer may receive from some conventional operating systems a pointer or other identifier of the file in response to the open for write command." (Column 1, Line 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Beard with the teachings of Stewart and include a locking mechanism with the motivation to provide the user with the protection of writing over an undesired file.

In regards to claim 34, Nero and Beard teach all the limitations of claim 27. They do not teach a graphical user interface wherein: designating a resource for staging creates a reference to said designated resource rather than a copy of said designated resource; in response to any subsequent change to the designated resource the

operating system creates an unchanged copy of the designated resource, said reference being changed to indicated the unchanged copy; said reference being dereferenced during writing to write the designated resource or its unchanged copy. Stewart teaches "To produce the shared file using some conventional operating systems, the writer sends an "open for write" command to the operating system, including a filename or other identifier with which to name the file. The operating system may create the file and open it. Additionally, the operating system may lock the file in response to such a command in order to prohibit use of the file by other processes while the file is being written. The writer may receive from some conventional operating systems a pointer or other identifier of the file in response to the open for write command." (Column 1, Line 21).

In regards to claim 44, Nero and Beard teaches all the limitations of claim 41. They do not teach an operating system wherein the actions further comprise: for any staged resource that is changed prior to writing, creating an unchanged copy of the staged resource; writing the unchanged copy in place of the changed staged resource. Stewart teaches "To produce the shared file using some conventional operating systems, the writer sends an "open for write" command to the operating system, including a filename or other identifier with which to name the file. The operating system may create the file and open it. Additionally, the operating system may lock the file in response to such a command in order to prohibit use of the file by other processes while the file is being written. The writer may receive from some conventional operating systems a pointer or other identifier of the file in response to the

open for write command." (Column 1, Line 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Beard with the teachings of Stewart and include a locking mechanism with the motivation to provide the user with the protection of writing over an undesired file.

Claims 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) in view of Sexton et al. (US 6499095) and in further view of Stewart (US 6640269) and in further view of Kuroda et al. (US 5946277).

In regards to claim 46, Nero teaches one or more computer readable media containing an operating system program, the operating system program comprising: accepting designations of different resources managed by the operating system for staging prior to writing to a removable storage medium, identifying in a staged-write resource area resources to be written, and in a separate stored resource area resources that have been written (See Figure 11, "This window displays all information concerning the track you have selected. Depending on the refresh options selected in the multisession property sheet, you will see some folders and files shown in black or in grey. Folders and files shown in black designate that they have been changed or recorded on your hard disk since your last session. They will be recorded on your CD now. Folders and files shown in grey designate that they are already on your CD. They have been recorded during your last session and have not been changed. They are not going to be physically rewritten."). Nero and Sexton teach storing corresponding references to the designated resources. Nero and Stewart teach for any designated

resource that is changed prior to writing, creating an unchanged copy of the staged resource and changing the corresponding reference to indicate the unchanged copy. Nero and Kuroda teach that in response to an instruction to write to the removable storage medium, writing any designated resources and any unchanged copies indicated by the stored references. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Nero, Sexton, Stewart, and Kuroda to include a computer program comprising accepting designations of different resource prior to writing them, storing references to the resources, creating a "locking" mechanism for the file and writing the to the media with the motivation to enable the user an easy method of writing things to a selected media device.

In regards to claim 47, Nero further teaches an operating system, further comprising: prior to receiving requests from application programs, pre-allocating a contiguous portion of mass storage for use when writing staged resources to the storage media, wherein the pre-allocated portion is large enough to create an image of data to be written to the storage medium (See Figure 4, Element 1, the user can create an image of the file set, also see Figure 6, there is a cache that is set by default); prior to writing the staged resources to the storage media, creating a write image in the pre-allocated portion of mass storage (See Figure 4, Element 1); wherein writing the staged resources comprises writing the write image to the storage medium (See Figure 5, Element 1, the user can record the image on the storage medium).

Response to Arguments

Applicant's arguments filed 11/30/2005 have been fully considered but they are not persuasive.

The Applicant argues that the Beard reference does not teach an operating system that is able to manage computer resources. However, the Applicant concedes that Beard teaches a desktop (Page 17, Line 18). The Examiner points out that it is notoriously well known in the art that a desktop is part of an operating system that is used to manage computer resources. For supplemental evidence the Examiner has included definitions from the Microsoft Computer Dictionary.

"desktop - ... A desktop is characteristic of the Apple Macintosh and of windowing programs such as Microsoft Windows..."

"Windows – An operating system introduced by Microsoft Corporation in 1983..."

Furthermore the Examiner points out that the claim 17 specifically calls for "an operating system that interacts with a user to manage computer resources." As the Applicant pointed out, Beard teaches, "The Pilot operating system provides the basic facilities needed when calling on main memory, which calls may be, for example, for program execution from BWS 38 or from PC board via handler 32 and PC "Agent" 34." (Column 9, Line 63). Calling on main memory is indeed managing computer resources.

Lastly, the claim language does not indicate that the resource browser is included as a part of the operating system.

In response to applicant's arguments that Nero and Kuroda does not teach an elements of an operating system, the Examiner disagrees. First of, the phrase "managed by the operating system" is nonfunctional descriptive material and is not functionally involved in the steps recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 217 USPQ 401, 403 (Fed. Cir. 1983); In re Lowry, 32, F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Furthermore, it is inherent that all files are managed by the operating system; therefore all files would have to be managed by the operating system in Nero and Kuroda.

In regards to the Applicants arguments that "Nero does not teach or suggest that as a as a stand-alone application program it is capable to saving resources in response from requests from other applications programs" (Page 21), the Examiner points out that this limitations is taught by Beard. And Beard is used in the rejection of claim 41 and 42.

The Applicant further argues that Stewart does not teach creating an unchanged copy of the staged resource. However Stewart teaches, "To produce the shared file using some conventional operating systems, the writer sends an "open for write" command to the operating system, including a filename or other identifier with which to

name the file. The operating system may create the file and open it. Additionally, the operating system may lock the file in response to such a command in order to prohibit use of the file by other processes while the file is being written. The writer may receive from some conventional operating systems a pointer or other identifier of the file in response to the open for write command." Since the file can be locked it has to be written as an unchanged copy.

The Applicant further argues that Sexton does not teach "a stored resource display area and a staged resource display area" and "display icons of stored resources that are already stored in the staged-write resource area and icons of staged resource". The Examiner contends that the combination of Nero and Sexton teaches these elements. The Examiner points to particularly Nero for the teaching of these limitations as stated in the rejection above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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